



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

JDG:MEC
F. #2009R002252

*271 Cadman Plaza East
Brooklyn, New York 11201*

November 12, 2014

By ECF

The Honorable Joseph F. Bianco
United States District Court
Eastern District of New York
U.S. Courthouse
100 Federal Plaza
Central Islip, New York 11722

Re: United States v. Michael Ashley
Criminal Docket No. 11-516 (JFB)

Dear Bianco:

This matter was originally assigned to the Honorable Arthur D. Spatt, United States District Court Judge. The case was recently re-assigned to this Court and is related to United States v. Poppi Metaxas (14 CR 00190(JFB)) and United States v. Robert Savitsky (14 CR 177 (JFB)). The government respectfully submits this letter to request that the Court order that: (1) the preparation of the Presentence Investigation Report ("PSR"), as well as the sentencing, for the above-referenced defendant continue to be delayed; and (2) the government file a status report by July 10, 2015, indicating whether or not the PSR and sentencing should be further delayed. The defendant is a potential witness in United States v. Metaxas, which is scheduled for trial before this Court on April 27, 2015. Pursuant to his agreement with the government, the defendant consents to this application for an adjournment.

On August 11, 2011, the defendant pled guilty to bank fraud in violation of 18 U.S.C. § 1344. Since the defendant's guilty plea, Judge Spatt has adjourned the defendant's sentencing several times at the request of the government while its investigation has continued. Judge Spatt granted the government's most recent application for an adjournment to November 21, 2014. The defendant has remained at liberty on bail during the pendency of his case. The defendant's PSR has not yet been prepared.

Therefore, the government respectfully requests that the Court order that: (1) the preparation of the PSR, as well as sentencing, continue to be delayed; and (2) the government file a status report by July 10, 2015, indicating whether or not the PSR and sentencing should proceed or be further delayed.

Respectfully submitted,

LORETTA E. LYNCH
United States Attorney

By:

Martin E. Coffey
Assistant U.S. Attorney
(718) 254-6157

cc. Kevin Keating Esq.
Attorney for the Defendant

U.S. Probation Office
PSR Abeyance Officer